IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN
&
THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

TUESDAY, THE 27TH MARCH 2007 / 6TH CHAITHRA 1929

WA.No. 2014 of 2006(B)

AGAINST THE JUDGEMENT/ORDER IN WPC.21469/2006 Dated 28/08/2006
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APPELLANT: PETITIONER

SAJI REDOLF, PHARMACIST,
PRIMARY HEALTH CENTRE, VELI,
THIRUVANANTHAPURAM.

BY ADV. SRI.MANOJ RAMASWAMY

RESPONDENTS: RESPONDENTS
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1. STATE OF KERALA, REP. BY THE
SECRETARY TO GOVERNMENT, HEALTH AND FAMILY
WELFARE DEPARTMENT, THIRUVANANTHAPURAM.

2. DIRECTOR OF HEALTH SERVICES,
OFFICE OF THE DIRECTOR OF HEALTH SERVICES,
THIRUVANANTHAPURAM.

3. DISTRICT MEDICAL OFFICER,
DISTRICT MEDICAL OFFICE OF HEALTH,
KOLLAM.

4. SALMA BEEVI, PHARMACIST,
PRIMARY HEALTH CENTRE, KOTTANKARA,
KOLLAM DISTRICT.

BY GOVERNMENT PLEADER SRI.SANDESH RAJA FOR R1 TO R3
SRI.S.SHANAVAS KHAN FOR R4

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 27/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.R.RAMAN & ANTONY DOMINIC, JJ.
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W.A NO.2014 OF 2006
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Dated this the 27th day of March, 2007

J U D G M E N T

P.R.Raman, J.

The appellant preferred the writ petition challenging the transfer of the 4th respondent as Pharmacist in Kollam District contending that the same was done overlooking the claim of the appellant/petitioner, who was senior to the 4th respondent. According to the appellant, when he sought for transfer to Kollam, the same was declined on the ground that there is no vacancy. It was subsequently that the 4th respondent was transferred. Thus it could be seen that the reason for rejecting the claim for transfer itself is proved to be wrong since admittedly a vacancy arose in Kollam District. If so, necessarily, the claim of the petitioner should have been considered and the rightful claimant should have been accommodated. Admittedly, the appellant is senior to the 4th respondent as per the seniority list. However, whether there is any compassionate ground to overlook the seniority and to accommodate the 4th respondent is a matter

which obviously has not got the attention of the authorities before ordering the transfer. According to the appellant, he has also some compassionate grounds justifying his transfer to Kollam District. The rival claims of the appellant as well as that of the 4th respondent shall be considered and appropriate orders shall be passed, expeditiously, within a period of two months from the date of representation in this behalf from the appellant. Before passing orders, the 4th respondent and the appellant be heard in the matter.

With the above modification, the writ appeal is disposed of.

P.R.RAMAN, JUDGE.

ANTONY DOMINIC, JUDGE.

Rp